

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

JERILYN A. LUCAS,

Plaintiff,

Case No. 05-C-888

-vs-

PYRAMAX BANK, FSB,

Defendant.

DECISION AND ORDER

This matter comes before the Court on plaintiff's Rule 7.4 Expedited Non-Dispositive Motion for Leave to file an affidavit in sur-rebuttal to defendant's reply brief in support of motion to correct filing and to deem correct filings as timely filed. As to the latter motion, Pyramax Bank's ("Pyramax") motion for summary judgment and proposed findings of fact were initially filed on August 31, 2006, the deadline previously set by the Court. Pyramax then re-filed the same materials on September 1 with some corrections and additions, along with a motion to accept the late filing. This late filing was necessitated by a key deposition which could not be taken until August 31. Plaintiff opposed the motion, but Pyramax's tardiness was excusable under the circumstances, and Pyramax has demonstrated good cause for the late filing. *See* Civil L.R. 7.1(d). To the extent that Pyramax's brief exceeds the 30-page limit in Civil L.R. 7.1(f), leave to file a brief in excess of that limit is granted as necessary. As plaintiff's Rule 7.4 motion bears only on the motion just granted by the Court, it will be denied as moot.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY
ORDERED THAT:**

1. Pyramax's motion to amend or correct late filing [Docket #76] is **GRANTED**; and
2. Plaintiff's Rule 7.4 motion to file a sur-rebuttal affidavit [Docket #85] is **DENIED** as moot.

Dated at Milwaukee, Wisconsin, this 26th day of September, 2006.

SO ORDERED,

s/Rudolph T. Randa

HON. RUDOLPH T. RANDA

Chief Judge